

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH WELDON SMITH,

No. 37862

Appellant,

FILED

vs.

MAY 17 2001

THE STATE OF NEVADA,

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. F. [Signature]*
CHIEF DEPUTY CLERK

Respondent.

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion to terminate his appointed counsel and to appoint competent counsel in post-conviction proceedings pending below. Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from an order denying a motion to terminate counsel and appoint new counsel. Accordingly, we

ORDER this appeal DISMISSED.

[Signature]
_____, J.
Shearing

[Signature]
_____, J.
Agosti

[Signature]
_____, J.
Rose

cc: Hon. Lee A. Gates, District Judge
Attorney General
Clark County District Attorney
David M. Schieck
Joseph Weldon Smith
Clark County Clerk

¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).